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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,377	08/31/2001	Marco Johannes Christina Van Amelsvoort	9424.147USWO	9632

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Merchant & Gould
PO Box 2903
Minneapolis, MN 55402-0903

EXAMINER

JOHNSON, BLAIR M

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,377

Applicant(s)

VAN AMELSVOORT, MARCO
JOHANNES CHRISTIN

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other.

Claim Rejections - 35 USC § 102

Claim 3 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jacobs et al. The panels increase in light transmission from top to bottom, column 7, lines 14-17.

Claim Rejections - 35 USC § 103

Claims 2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe.

Watanabe discloses, in Fig. 3, two pleated members which have fabrics which have different characteristics, such as one being nearly transparent while the other is opaque, column 3, lines 34-37. As to which is the top shade and which is the bottom shade is clearly an obvious choice of design. While it is not known if a coating is used, such material is well established in the art.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe as applied above, and further in view of Jelic.

The use of perforations to form a light admitting shade is taught by Jelic in, for example, Fig. 5, in the form of an open weave fabric. In view of this teaching, it would have been obvious to use such a material for the transparent shade of Watanabe.

Claims 1,4-9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guernonprez in view of Watanabe.

Guernonprez discloses a shade having an upper portion and a lower portion having different shading characteristics. The upper portion shields the sun while the lower section is "decorative". He also makes it clear that his shade could be in the form of horizontal or vertical slats, column 3, line 60- column 4, line 5. What is not taught

specifically is that the lower shade is somewhat transparent. However, Watanabe discloses such to be old. It would have been obvious to modify Guermoprez whereby his lower shade is somewhat transparent.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guermoprez in view of Watanabe as applied above, and further in view of Levert. Levert discloses slats which are either translucent or perforated to permit light therethrough, see abstract. It would have been obvious to modify Guermoprez whereby his lower section is somewhat transparent by way of a translucent material or perforations.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs in view of Geraud.

Jacobs discloses several materials in column 7 which are designed to provide different shading characteristics ranging from transparent to opaque, including "grass cloth". The use of woven textiles or fabrics for a roller shade having different levels of light transmission is taught by Geraud, column 1, lines 8-13. It would have been obvious to use such fabric in the Jacobs device due to its enhanced appearance.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs in view of Geraud as applied above, and further in view of Wildt. The use of gauze is well known in roller shades, as illustrated by Wildt and it would have been obvious to use such a material in the shade of Jacobs due to its light weight.

Claims 1,12-14 and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn in view of Watanabe.

Note: claim 22 has not been properly presented in the clean copy of the claims. It will be examined as it appears in the marked up copy.

Dunn discloses vertical slats which have light transmissivity. What is not shown is that the upper portion of the blind is opaque and the lower portion is somewhat transparent. However, as discussed above, Watanabe provides an ample teaching of the desire to have the upper portion of a shade opaque and the lower portion thereof somewhat transparent. In view of this teaching, it would have been obvious to modify Dunn whereby his slats are opaque at the top and somewhat transparent on the bottom. Regarding the perforations and nonperforations of claims 13,14 and 21, Dunn meets both limitations by providing perforations on the outer part of the slats while the slats overall are not perforated due to panel 34.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

The rejection using Jelic has been rescinded.

Regarding Jacobs, it is noted that Jacobs includes apertures, column 7, line 27, which is one of the means by which the present device achieves the image transmissivity.

Regarding Watanabe, the term "transparent" indicates that viewing therethrough is possible. The phrase "nearly transparent" clearly suggests that viewing therethrough is at least partially achieved. This teaching by Watanabe is also applied to Guermontez.

The remaining arguments are disputed due the alleged lacking of Jacobs and Guermonprez.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

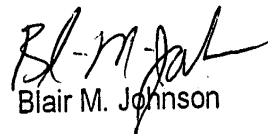
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (703) 308-0526. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.


Blair M. Johnson

Primary Examiner
Art Unit 3634

BMJ
October 8, 2002